

## REMARKS

### I. Rejections Based On 35 U.S.C. § 112

In the Office Action, the Examiner rejected Claim 8 under 35 U.S.C. Section 112, second paragraph. In order to expedite the prosecution of this application, Applicant has cancelled Claim 8 without prejudice or disclaimer.

### II. Rejections Based On 35 U.S.C. § 102

#### a. Claims 1 and 20

In the Office Action, the Examiner rejected Claims 1 and 20 based on Davis, II. In order to expedite the prosecution of this application, Applicant has cancelled Claims 1 and 20 without prejudice or disclaimer.

#### b. Claims 1, 11 and 20

In the Office Action, the Examiner rejected Claims 1, 11 and 20 based on Padiou. In order to expedite the prosecution of this application, Applicant has cancelled Claims 1, 11 and 20 without prejudice or disclaimer.

#### c. Claims 1, 5, 6, 8, 16, 17 and 20

In the Office Action, the Examiner rejected Claims 1, 5, 6, 8, 16, 17 and 20 based on Stern. In order to expedite the prosecution of this application, Applicant has cancelled Claims 1, 5, 6, 8, 16, 17 and 20 without prejudice or disclaimer.

#### d. Claims 1, 2, 12, 13 and 20

In the Office Action, the Examiner rejected Claims 1, 2, 12, 13, and 20 based on Gay. In order to expedite the prosecution of this application, Applicant has cancelled Claims 1, 2 and 20

without prejudice or disclaimer. With respect to Claims 12 and 13, Applicant respectfully submits that these, as amended, are not anticipated by Gay.

Independent Claim 12, upon which Claim 13 depends, has been amended to more patentably distinguish over the cited reference. In this regard, it has been amended to recite that the lateral view mirror comprises a base portion and a mirror portion located on a surface of the base portion, and further that the base portion has a substantially triangular configuration, with a first side adhered along its length to a rear side portion of a vehicle and the mirror located on a second side projecting at an angle from the first side. Support for this amendment may be found in the Specification. See, e.g., Figures 3, 4 and 6.

Applicant respectfully submits that this feature is not shown in the Gay reference. Thus, the device of Gay, in the Figure 3 embodiment cited by the Examiner, comprises a Y-shaped base positioned at a corner of a vehicle, with an arm projecting therefrom and having a mirror located thereon. The configuration of Gay limits the positioning of that device to a rear vehicle corner, and would make it unsuited for positioning along a rear side portion of the vehicle. Moreover, the Gay device projects outward from the vehicle in a manner that makes it vulnerable to being dislodged during parking of the vehicle or the like.

In contrast, the base portion of the present invention as now claimed in Claims 12 and 13 permits the claimed mirror assembly to be positioned in a secure and streamlined way along a rear side

portion of a vehicle. This makes the device easier to install, less vulnerable to dislodging, and makes the presence of the lateral-view mirror less obvious.

Thus, for the foregoing reasons, Applicant respectfully submits that Claims 12 and 13, as amended, are not anticipated by Gay.

### III. Rejections Based On 35 U.S.C. § 103

#### a. Claims 1-4 and 12-15

In the Office Action, the Examiner rejected Claim 1-4 and 12-15 as being unpatentable over Edwards. In order to expedite the prosecution of this application, Claims 1-4 have been cancelled without prejudice or disclaimer.

With respect to Claims 12-14, Applicant respectfully submits that these, as presently claimed, are not obvious in light of Edwards. First, as discussed in Section II(d) above, Claim 12, upon which Claims 13 and 14 depend, has been amended to more patentably distinguish over the cited prior art.

The features now claimed in Claims 12-14 are not shown in Edwards. First, as the Examiner acknowledges, the mirrors of Edwards are not lateral-view mirrors. Moreover, Applicant respectfully disagrees with the assertion that it would have been obvious to adjust the mirrors of Edwards to have a lateral rather than forward view.

In this regard, there is no disclosure in Edwards that the mirrors shown therein could be adjusted to provide a lateral view. Edwards also provides no motivation for such adjustment, and indeed

teaches away from this by disclosing exclusively that the mirrors provide a "forward view." While it may be well known to adjust certain vehicle mirrors, such adjustability would be limited by the general direction of the field of vision of the mirror. Thus, one might adjust a rear view mirror to reflect more to the left, right, or more high or more low -- but in all instances the mirror would be positioned to provide a rear rather than a forward view. Applicant respectfully submits that it would not be obvious to convert the Edwards forward-view mirror into a lateral-view mirror.

Applicant notes the Federal Circuit's recent decision in In re Sang-Su Lee, 277 F.3d 1338 (Fed. Cir. 2002), which clarified the requirements for a Section 103 rejection. The Federal Circuit held that "[w]hen patentability turns on the question of obviousness, the search for an analysis of the prior art includes evidence relevant to the finding of whether there is a teaching, motivation, or suggestion to select and combine the references relied on as evidence of obviousness." Thus, the "factual inquiry whether to combine references must be thorough and searching" and "must be based on objective evidence of record." Id. Applicant respectfully submits that this obviousness objection cannot be supported in the absence of any teaching in Edwards to support the positioning of forward-facing mirrors to provide a lateral view and indeed the teaching away from such a positioning, and further in light of the absence of another reference providing a teaching or motivation to so position the mirrors.

With particular regard to Claim 15, Applicant notes that this

claim is directed to an assembly including as one feature "a substantially flat mirror adapted to be coupled to a surface of said side mirror on said passenger side of said vehicle." The purpose of this substantially flat mirror, which is coupled to the surface of an existing side mirror, is to compensate for the curvature of most side view mirrors. See Detailed Description of the Preferred Embodiments, page 8, lines 16-21. This feature is not shown in the Edwards reference. Accordingly, Applicant respectfully submits that Claim 15, as originally presented and as rewritten in independent form, is not obvious in light of Edwards.

b. Claim 10

In the Office Action, the Examiner rejected Claim 10 as being unpatentable over Padiou in view of Surlan. In order to expedite the prosecution of this application, Claim 10 has been cancelled without prejudice or disclaimer.

c. Claims 5-9 and 16-19

In the Office Action, the Examiner rejected Claims 5-9 and 16-19 as being unpatentable over Davis II in view of Surlan. In order to expedite the prosecution of this application, Claims 5-9 and 16-19 have been cancelled without prejudice or disclaimer.

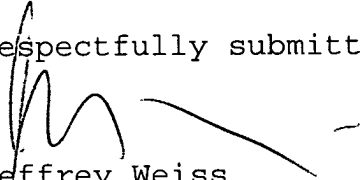
Conclusion

Applicant respectfully submits that Applicant's Claimed Invention is deserving of patent protection because it describes a useful and functional apparatus which patentably distinguishes over the cited prior art. In conclusion, Applicant respectfully submits that this Amendment, including the amendments to the Claims and in

view of the Remarks offered in conjunction therewith, is fully responsive to all aspects of the objections and rejections tendered by the Examiner in the Office Action. Applicant respectfully submits that he has persuasively demonstrated that the above-identified Patent Application, including Claims 12-15, is in condition for allowance. Such action is earnestly solicited.

If there are any fees incurred by this Amendment Letter, please deduct them from our Deposit Account No. 23-0830.

Respectfully submitted,



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Claim Amendments - Version With Markings to Show Changes Made

Claim 12 (Amended) A lateral-view mirror assembly for a vehicle comprising, in combination:

a vehicle; and

at least one lateral-view mirror coupled to a side rear portion of said vehicle in line of sight with a side mirror of said vehicle and dimensioned to allow a driver to view objects positioned lateral to a rear portion of said vehicle by looking at said side mirror and seeing a reflection of said objects through said lateral-view mirror;

wherein said lateral-view mirror comprises a base portion and a mirror portion located on a surface of said base portion;

wherein said base portion, when in position on said side rear portion of said vehicle and viewed from above has a substantially triangular configuration and having a first side adhered along a length thereof to said side rear portion of said vehicle and said mirror portion located on a second side and projecting at an angle from said first side.

Claim 15 (Amended) [The assembly of Claim 14 further comprising] A lateral-view mirror assembly for a vehicle comprising, in combination:

a vehicle; and

at least one lateral-view mirror coupled to a side rear portion of said vehicle in line of sight with a side mirror of said vehicle and dimensioned to allow a driver to view objects positioned lateral to a rear portion of said vehicle by looking at said side mirror and seeing a reflection of said objects through said lateral-view mirror;

wherein said at least one lateral-view mirror is coupled to said driver's side rear side portion of said vehicle;

a second lateral-view mirror coupled to a passenger side of said vehicle proximate said rear portion of said vehicle in line of sight with a side mirror of said vehicle on said passenger side;  
and

a substantially flat mirror adapted to be coupled to a surface of said side mirror on said passenger side of said vehicle.